

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SYMBOL TECHNOLOGIES, INC., a Delaware
corporation, and WIRELESS VALLEY
COMMUNICATIONS, INC., a Delaware
corporation,

Plaintiffs and Counter-
Defendants,

v.

ARUBA NETWORKS, INC., a Delaware
corporation,

Defendant and Counter-
Claimant.

C.A. No. 07-519-JJF

**DECLARATION OF ETAI LAHAV IN SUPPORT OF ARUBA NETWORKS,
INC.'S MOTION FOR LEAVE TO AMEND ITS ANSWER AND FOR
LEAVE TO SERVE COUNTERCLAIMS ON MOTOROLA, INC.**

I, Etai Lahav, declare as follows:

1. I am an attorney in the law firm of Weil, Gotshal & Manges, LLP, counsel for Defendant Aruba Networks, Inc. ("Aruba") in this matter. I am a member of the bar of the State of New York. I submit this declaration in support of Aruba's Motion for Leave to Amend its Answer and for Leave to Serve Counterclaims on Motorola, Inc. ("Motorola").

2. Attached hereto as Exhibit 1 is a true and correct copy of a Motorola press release entitled, "Motorola Files a Lawsuit against Aruba Networks for Wireless Patent Infringement," dated August 28, 2007, and found at http://www.motorola.com/mediacenter/news/detail.jsp?globalObjectId=8610_8539_23&

page=archive (last visited July 16, 2008).

3. Attached hereto as Exhibit 2 is a true and correct copy of an email from Arun Chandra of Hogan & Hartson LLP, counsel for Plaintiffs, to Paul Torchia of Weil, Gotshal & Manges, LLP, counsel for Aruba, dated July 10, 2008.

4. Attached hereto as Exhibit 3 is a true and correct copy of a document taken from the file history of U.S. Patent No. 7,173,923 (“the ’923 patent”)—one of the patents asserted by Plaintiff Symbol in this case—entitled, “Declaration and Power of Attorney for Patent Application.” The document was received by the United States Patent and Trademark Office (“USPTO”) on March 11, 2002, and lists Glenn F. Frankenger as an attorney or agent responsible for prosecuting the ’923 patent.

5. Attached hereto as Exhibit 4 is a true and correct copy of a printout of Glenn F. Frankenger’s current contact information as it appears on the website of the USPTO, listing him as an employee of Motorola, and found at <https://oedci.uspto.gov/OEDCI/details.do?regisNum=41024> (last visited July 16, 2008).

6. Attached hereto as Exhibit 5 is a true and correct copy of a facsimile sent from Indira Saladi at Motorola to the USPTO, taken from the file history of U.S. Patent No. 6,973,622 (“the ’622 patent”)—one of the patents asserted by Plaintiff Wireless Valley in this case—and containing a Power of Attorney authorizing Indira Saladi to represent Plaintiff Wireless Valley before the USPTO during the prosecution of the ’622 patent.

7. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiffs’ Initial Disclosures in this case, served on May 23, 2008.

8. I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 16, 2008
New York, NY

A handwritten signature in cursive script, appearing to read 'Etai Lahav', written in dark ink.

Etai Lahav

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2008, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and which has also been served as noted:

BY HAND

Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza, 6th Floor
1313 N. N. Market Street
Wilmington, DE 19801

I hereby certify that on July 16, 2008 I transmitted the document by Federal Express to the following non-registered participant:

VIA FEDERAL EXPRESS

Eric J. Lobenfeld
Ira J. Schaefer
Lawrence Brocchini
Arun Chandra
Hogan & Hartson L.L.P.
875 Third Avenue
New York, NY 10022

/s/ Frederick L. Cottrell, III

Frederick L. Cottrell, III (#2555)
cottrell@rlf.com

EXHIBIT 1

**Motorola Files a Lawsuit against Aruba Networks for Wireless Patent Infringement**

HOLTSVILLE, N.Y. – 28 August 2007 – Motorola, Inc. (NYSE: MOT) announced today that its subsidiary companies Symbol Technologies, Inc. and Wireless Valley Communications, Inc. (the Companies), have filed a patent infringement lawsuit against Aruba Networks, Inc. The lawsuit, filed on August 27, 2007 in the United States District Court for the District of Delaware, concerns Aruba's infringement of patents related to wireless local area network (WLAN) communication technologies.

Motorola, Symbol and Wireless Valley are pioneers in network communication technologies, and currently hold many patents directly related to WLAN technologies. Symbol introduced the market's first modern wireless switch architecture, a breakthrough WLAN architecture that can significantly lower the cost of deploying network infrastructure and drive down the cost of managing, maintaining and upgrading wireless systems. Two of the patents in this lawsuit relate to WLAN switching architecture technology. Wireless Valley introduced the breakthrough concept of using a predictive design approach, a three dimensional representation of an environment, and site specific information in the design, implementation and management of wireless networks in and around buildings. Two of the patents in the lawsuit relate to WLAN site planning and RF management.

The Companies are seeking a permanent injunction against Aruba's use of the patented technologies and monetary damages for infringing use.

About Motorola

Motorola is known around the world for innovation and leadership in wireless and broadband communications. Inspired by our vision of seamless mobility, the people of Motorola are committed to helping you connect simply and seamlessly to the people, information and entertainment that you want and need. We do this by designing and delivering "must have" products, "must do" experiences and powerful networks -- along with a full complement of support services. A Fortune 100 company with global presence and impact, Motorola had sales of US \$42.8 billion in 2006. For more information about our company, our people and our innovations, please visit <http://www.motorola.com>.

#

Media Contact:

Ed Tan

Motorola Enterprise Mobility business

+1 408-421-5132

Ed.Tan@motorola.com

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EXHIBIT 2



"Chandra, Arun"
<AChandra@HHLAW.com>

07/10/2008 02:29 PM

To Paul.Torchia@weil.com, ArubaDelService
<ArubaDelService@weil.com>
cc "Lobenfeld, Eric J." <EJLobenfeld@HHLAW.com>,
"Schaefer, Ira J." <IJSchaefer@HHLAW.com>, "Feller,
Mitchell S." <MSFeller@HHLAW.com>, "Chandra, Arun"
bcc

Subject RE: Symbol v. Aruba- protective order

Paul,

The three individuals listed in Paragraph 12 of the Protective Order are employees of Motorola.

Because Symbol and Wireless Valley will be bound by the Protective Order and since they are the only wholly-owned subsidiaries of Motorola in this case, we believe that, for all intents and purposes, Motorola is covered by the terms of the Protective Order. Plus, the three individuals listed in Paragraph 12 of the Protective Order cannot disclose confidential materials disclosed by Aruba to any other person. This should allay any concerns you have.

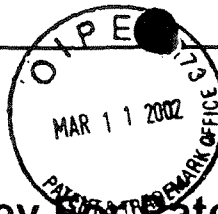
-Arun

Arun Chandra, ATTORNEY AT LAW
HOGAN & HARTSON LLP
875 Third Avenue, New York, NY 10022
direct +1.212.918.3547 | tel +1.212.918.3000 | fax +1.212.918.3100
AChandra@hhlaw.com | <http://www.hhlaw.com>

EXHIBIT 3

Express Mail Label No.

Page 1 of 3


 #3
 Docket No.
 931XX

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
SECURITY IN MULTIPLE WIRELESS LOCAL AREA NETWORKS

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on October 25, 2001 as United States Application No. or PCT International Application Number 10/037,225 and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/780,741

2/9/01

pending

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

09/528,697

3/17/00

pending

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Mark I. Koffsky, Reg. No. 41,906


Daniel R. McGlynn, Reg. No. 26,570

Mauro Premutico, Reg. No. 33,994

Glenn F. Frankenberger, Reg. No. 41,024

Send Correspondence to: **Mark I. Koffsky**
Symbol Technologies, Inc.
One Symbol Plaza A-6
Holtsville, NY 11742-1300

Direct Telephone Calls to: *(name and telephone number)*
Mark I. Koffsky 631-738-5586

Full name of sole or first inventor Robert Beach
Sole or first inventor's signature  Date 1/24/02
Residence Los Altos, California
Citizenship USA
Post Office Address 1850 Middleton Avenue, Los Altos, CA 94204

Full name of second inventor, if any
Second inventor's signature Date
Residence
Citizenship
Post Office Address

EXHIBIT 4



United States Patent and Trademark Office

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Last Name	Frankenberger
First Name	Glenn
Middle Name	F
Suffix	
Firm Name	Motorola, Inc.
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City	Holtsville
State/Province	NY
Postal Code	11742
Country	US
Primary Telephone	(631) 738-5570
Registration Number	41024
Attorney/Agent	ATTORNEY
Date Registered as Attorney	08/04/1997

Data extracted on Wed Jul 16 14:59:14 EDT 2008

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Last Modified: 07/16/2008 EST

EXHIBIT 5

APR-13-2006 15:01 FROM:

8475760721

TO:USPTO

P.1/3

RECEIVED
CENTRAL FAX CENTER

APR 13 2006



MOTOROLA
FAX TRANSMITTAL SHEET

Motorola, Inc.
Law Department
1303 East Algonquin Road
Schaumburg, IL 60196

Telephone: 847.576.6733
Facsimile: 847.576.0721

3 Number of Pages (including this page)

Date: April 13, 2006

To: United States Patent and Trademark Office

Fax No.: 571.273.8300

From: Indira Saladi, Registration No. 45,759

Docket No.: WV00038

NOTICE: This facsimile transmission may contain information that is confidential, privileged, or exempt from disclosure under applicable law. It is intended only for the person to whom it is addressed. Unauthorized use, disclosure, copying or distribution may expose you to legal liability. If you have received this transmission in error, please immediately notify us by telephone (collect) to arrange for return of the documents received and any copies made. Thank you.

MESSAGE:

Enclosed herewith, please find **NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS and POWER OF ATTORNEY** for filing in the above-identified application.

APR-13-2006 15:01 FROM:

8475760721

TO: USPTO

P.2/3

RECEIVED
CENTRAL FAX CENTER

APR 13 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT NO. 6,973,622
APPLICATION NO. 09/668,145
DOCKET NO. WV00038

Date of deposit: April 13, 2006

I hereby certify that this paper is being facsimile transmitted or deposited
with the United States Postal Service on the date indicated above, as first-
class mail, with sufficient postage attached thereto, in an envelope
addressed to Mail Stop 99000 Alexandria, Assistant Commissioner for
Patents, Alexandria, VA 22304. Facsimile transmitted to 371.273.8300


Signature of Person Mailing Paper

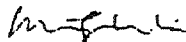
Sheila Mendenhall
Printed Name of Person Mailing Paper

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Pursuant to 37 C.F.R. 1.27(g)(2), please note that U.S. Patent No. 6,973,622 is no longer entitled to small entity status. Please immediately update the patent record to reflect large entity status for this patent.

Please note that the below named practitioner is authorized to sign on behalf of Assignee. See attached Power of Attorney.

Best regards,



Indira Saladi
Sr. Patent Attorney
Registration No. 45,759

APR-13-2006 15:01 FROM:

8475760721

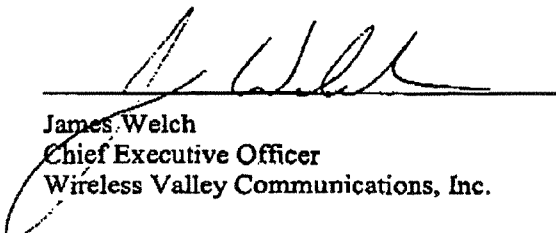
TO: USPTO

P.3/3

POWER OF ATTORNEY

I, James Welch, Chief Executive Officer, of Wireless Valley Communications, Inc. (hereinafter "Wireless Valley"), a corporation duly organized under the laws of Delaware, United States of America, with a principal place of business being 4515 Seton Center Parkway, Suite 330, Austin, Texas, USA 78759, do hereby grant a power of attorney to Indira Saladi, Senior Patent Attorney of Motorola, Inc. to take such actions and execute such documents as may be, from time to time, necessary to secure and protect the intellectual property rights of Wireless Valley. Without limitation, Indira Saladi is authorized to execute affidavits and similar statements of fact, whether or not made under oath, related to the protection of Wireless Valleys' intellectual property rights, to execute patent application documents, trademark registration documents, copyright registration documents, and similar documents related to the protection of Wireless Valleys' statutory intellectual property rights, and to execute powers of attorney authorizing attorneys to represent Wireless Valley before the administrative agencies of the various countries in which Wireless Valley seeks to protect such intellectual property rights. This power of attorney shall expire as of December 31, 2008.

IN WITNESS WHEREOF, I have executed this power of attorney as of this
8 day of February 2006.

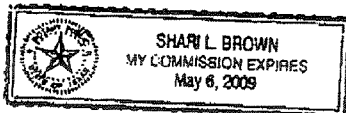

 James Welch
 Chief Executive Officer
 Wireless Valley Communications, Inc.

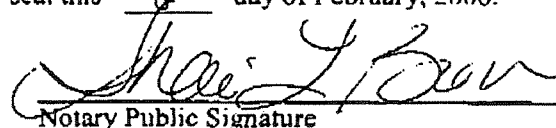
STATE OF Texas)
)ss
 COUNTY OF Travis)

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that James Welch whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 8 day of February, 2006.

My commission expires:




 Notary Public Signature

Shari L Brown
 Printed Name of Notary Public

EXHIBIT 6

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SYMBOL TECHNOLOGIES, INC.,
a Delaware corporation, and WIRELESS
VALLEY COMMUNICATIONS, INC.,
a Delaware corporation,

Plaintiffs/Counterclaim Defendants,

v.

ARUBA NETWORKS, INC.,
a Delaware corporation,

Defendant/Counterclaim Plaintiff.

C.A. No. 07-519-JJF

JURY TRIAL DEMANDED

PLAINTIFFS' INITIAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(1), Plaintiffs Symbol Technologies, Inc. ("Symbol") and Wireless Valley Communications, Inc. ("Wireless Valley") (collectively, "Plaintiffs") make the following initial disclosure based on information reasonably available to Plaintiffs at this time. Continuing investigation and discovery may alter these disclosures.

By making these disclosures, Plaintiffs do not represent that they are identifying every document, tangible thing, or witness possibly relevant to this lawsuit. Nor do Plaintiffs waive their rights to object to production of any document or tangible thing disclosed on the basis of any privilege, the work product doctrine, relevancy, undue burden or any other valid objection. Rather, Plaintiffs' disclosures represent a good faith effort to identify information they reasonably believe are discoverable and which may be used to support their claims as required by Rule 26(a)(1).

Finally, Plaintiffs' disclosures are made without waiving, in any way: (1) the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay, or any other proper ground, to the use of any such information, for any purpose, in whole or in part, in any

subsequent proceeding in this action or any other action; and (2) the right to object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

All of the following disclosures are made subject to the above objections and qualifications.

A. Individuals Likely To Have Discoverable Information Supporting Plaintiffs' Claims

Pursuant to Rule 26(a)(1)(A), Plaintiffs identify the individuals listed below (other than present or former employees or agents of Aruba Networks, Inc. or any related entity ("Aruba")). Plaintiffs do not give their consent for Aruba to contact any inventor named on any of the asserted patents, or any current or former employee of Symbol and/or Wireless Valley, including each of those listed below. Any such contact should be made through Plaintiffs' counsel.

1. **Theodore Rappaport**
Wireless Networking and Communications Group (WNCG)
University of Texas at Austin
1 University Station C0806
Austin, TX 78712-0240

Mr. Rappaport is likely to have discoverable information with respect to the inventions claimed in U.S. Patent No. 6,625,454 ("the '454 Patent") and No. 6,973,622 ("the '622 Patent").

2. **Roger Skidmore**
Motorola, Inc.
6500 River Place Blvd.
River Place Corporate Park
Building #7
Austin, TX 78730

Mr. Skidmore is likely to have discoverable information with respect to the inventions claimed in the '454 and the '622 Patents.

3. **Eric Reifsneider**
Motorola, Inc.
6500 River Place Blvd.
River Place Corporate Park
Building #7
Austin, TX 78730

Mr. Reifsneider is likely to have discoverable information with respect to the invention claimed in the '454 Patent.

4. **Benjamin Henty**
6271 Wild Swan Way
Columbia, MD 21045

Mr. Henty is likely to have discoverable information with respect to the invention claimed in the '622 Patent.

5. **Robert Beach**
Motorola, Inc.
6480 Via Del Oro
San Jose, CA 95119

Mr. Beach is likely to have discoverable information with respect to the inventions claimed in U.S. Patent No. 7,173,922 ("the '922 Patent") and No. 7,173,923 ("the '923 Patent").

6. **Sujai Hajela**
Motorola, Inc.
6480 Via Del Oro
San Jose, CA 95119

Mr. Hajela is likely to have discoverable information with respect to Plaintiffs' marketing of, and competition with respect to, wireless local area network (WLAN) products.

7. **James Welch**
Motorola, Inc.
1299 E Algonquin Road
Schaumburg, IL 60196

Mr. Welch is likely to have discoverable information with respect to Plaintiffs' marketing of, and competition with respect to, WLAN products.

8. **Jason McGinley**
Motorola, Inc.
6480 Via Del Oro
San Jose, CA 95119

Mr. McGinley is likely to have discoverable information relating to damages in connection with Plaintiffs' WLAN products.

9. **Jeffrey Valentino**
Motorola, Inc.
1064 Greenwood Boulevard
Suite 400
Lake Mary, FL 32746

Mr. Valentino is likely to have discoverable information relating to damages in connection with Plaintiffs' WLAN products.

B. Relevant Documents

Pursuant to Rule 26(a)(1)(B), Plaintiffs identify the following categories of documents, which they may use to support their claims or defenses, to the extent (1) such documents exist, (2) are within Plaintiffs' possession, custody or control, and (3) are not privileged. Copies of such documents will be made available at the Office of Plaintiffs' counsel, 875 Third Ave., New York, NY 10022, or at such other place as counsel may indicate, and at a time to be agreed upon among counsel. The production of documents by Plaintiffs is subject to the entry of an appropriate protective order.

1. Copies of the '454 Patent, the '622 Patent, the '922 Patent and the '923 Patent (collectively "the Patents-in-Suit"), and their respective file histories.
2. Documents relating to infringement of the Patents-in-Suit by Aruba.
3. Documents relating to the marking of Plaintiffs' WLAN products.
4. Documents relating to Plaintiffs' damages resulting from Aruba's infringement.

C. Damages

Pursuant to Rule 26(a)(1)(C), based on Plaintiffs' claims (as they exist today), Plaintiffs have suffered damages resulting from Aruba's infringement in an amount not yet determined, and will continue to suffer damages unless and until Aruba's infringing activities are enjoined by the Court. Plaintiffs are seeking to recover such compensatory damages (including pre-judgment and post-judgment interest), as well as enhanced damages, costs, expenses and reasonable attorneys' fees, pursuant to 35 U.S.C. §§ 284 and 285.

D. Experts

At this time, Plaintiffs have not retained experts to testify on their behalf in this action. Plaintiffs foresee retaining one or more experts in the technology at issue who may testify to issues of infringement and/or validity of the Patents-in-Suit, and one or more experts in the calculation of damages who may testify as to the amount of damages to be awarded in this action. Plaintiffs will identify their experts and their opinions in accordance with the Scheduling Order in this action, dated May 9, 2008, and Fed. R. Civ. P. 26(a)(2)(C).

E. Insurance

Pursuant to Rule 26(a)(1)(D), Plaintiffs are not aware of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

POTTER ANDERSON & CORROON LLP

OF COUNSEL

Eric J. Lobenfeld
Ira J. Schaefer
Lawrence Brocchini
Arun Chandra
HOGAN & HARTSON L.L.P.
875 Third Avenue
New York, New York 10022
(212) 918-3000

Dated May 23, 2008

899115 / 32106

By: /s/ David E. Moore

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
P. O. Box 951
Wilmington, Delaware 19801
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Plaintiffs
Symbol Technologies, Inc. and
Wireless Valley Communications, Inc.*

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on May 23, 2008, a true and correct copy of the within document was caused to be served on the attorney of record at the following addresses as indicated:

VIA HAND DELIVERY & ELECTRONIC MAIL

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cottrell@rlf.com

VIA ELECTRONIC MAIL

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Vernon M. Winters
Brandon C. Conard
Jason D. Kipnis
Weil, Gotshal & Manges LLP
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Redwood Shores, CA 94065
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vernon.winters@weil.com
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Nicholas Groombridge
Paul E. Torchia
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nicholas.groombridge@weil.com
paul.torchia@weil.com
etai.lahav@weil.com

/s/ David E. Moore

David E. Moore